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ENVIRONMENTAL PROTECTION AGENCY  
MEMORANDUM

2-20-71

SUBJECT: Peoria Co. - Solid Waste Disposal - Peoria/Janson

TO: C. E. Clark, Chief of the Bureau of Land Pollution Control

FROM: W. K. Weeber, Peoria Regional Office

DATE: February 23, 1971

The Janson case was to be heard before Judge Pucci on the morning of Tuesday, February 16 at 9:30 a.m. Tom Rinkach and I were to be witnesses for EPA when called and were present in the courtroom at that time. However, no action was taking place in the courtroom and we understood that a pretrial conference was going on in the Judge's chambers between opposing counsel. Later we found out that participants were Judge Pucci, Attorneys Parkhurst and Caplan of the Attorney General's Office, Mr. Janson, and his attorney, Mr. Reynolds.

About 11:00 a.m., Mr. Parkhurst came into the courtroom and asked me to come into the Judge's chambers. Upon meeting the Judge he stated that a partial agreement had been reached by the opposing counsel and that they needed an opinion from me as to whether or not there was any place on Janson's property where a satisfactory landfill operation could take place while the entire rest of the site was being cleaned up and covered. He asked me how long it would take me to check the site and find out, to which I replied that I knew the site quite well and could give an opinion without another visit. I told him there was only one place that could be used, and that even it could not be used without some preparation. The preparation I felt necessary would be to construct an earth dike on three sides of an area immediately west and adjacent to the area where garbage was presently being dumped. Also, that none of the ground in this area would be disturbed, except to level it in a few places, with the thought in mind that it would be necessary to stay as far as possible above the natural ground water table (which we understand is some 8 to 10 feet below the surface at this point. We also understand that there is some sandy soil in this area near the creek to the south but that the earthen dike would be placed in this area. The area to the north we understand is composed of clay and silt).

All this time the Judge was stressing the point that it was not his intention to put the man out of business, but rather to see that he operated in accordance with the rules and regulations. He also stressed that it was a Judge's responsibility to work out a compromise which was agreeable to both parties, rather than to go to trial and spend many hours and even days on arriving at some point which might not be a satisfactory solution at all (his philosophy).

He then asked if I would be able to specify what should be done to ready this temporary site, and later to specify what should be done to the entire area; that both attorneys agreed that I was the logical one to do it. I hesitated to get involved in this manner and immediately objected, saying that I did not believe it was my responsibility to do this for the court, and that I had previously drawn up a list of items to be complied with (for the Peoria County States Attorney) but that no action had been taken on them. The Judge then pointed out that this was his case and that action would be taken this time, or else.

It was then mentioned that all dumping of refuse at the site should cease until the new temporary site was readied, to which Janson and his Attorney raised strenuous objection, that he needed to stay open in order to obtain sufficient funds to construct the earthen wall, that he was afraid once he was closed down, he, like Montgomery, would never get open again, etc. To which the Judge again replied that it was not his intent to put him out of business

I repeated again several times that I did not feel it was my responsibility to act as an arbitrator in the case, to which the Judge replied each time that both sides had agreed that I would be fair in the matter and that I would be acting for him in resolving the problem. I asked both Parkhurst and Caplan what they thought about it and both agreed that they thought it would be o.k. I then began to feel a little concerned that if I balked much more I would be accused of not cooperating with the Attorney General's office, so I reluctantly agreed to do what I could to cooperate.

Reynolds then told Janson to get a contractor out to the site as soon as possible to work out a plan for constructing the berms. They contacted a Mr. Joos who met us at the site at 3:00 p.m. However, Mr. Joos reported that his equipment was tied up for several days on a sewer job and that he couldn't get at it right away. Janson then asked if he could start working on the areas himself, especially covering the exposed garbage, and straightening up the face of the fill. I saw no reason why he should not do all he could himself, especially when no further garbage was to be brought in.

I perhaps did make one verbal concession to him at the time, as his half-brother, Walter Deemie mentioned that he had a contract with the City of Peoria to remove razed houses and he wondered where he could take them until he could get a site approved. I told Janson and Deemie that since the area to be readied was so muddy (actually so muddy one couldn't work in it with a tractor), it would be o.k. to use some of this demolition material as a base for the earth berm. Also, that other materials scattered around on the site, namely old cars and many tires could also be incorporated into the berm.

This is as far as the case has progressed to date. On February 19, 1971, I received two phone calls from persons living in the area to the effect that some dumping of garbage (and demolition materials) had taken place on February 18, 1971 at noon. Tom Rinkach and I visited the site on 2-19-71 and asked Janson about it. He said some demolition material was being brought in, but no garbage. Tom and I pointed out a pile of garbage to him which we felt might have been the one the neighbors saw dumped, but he said that it was there before. I told Mr. Parkhurst about it and he said he would try to arrange for Affidavits from the people and cite Janson for contempt. Whether this will be done is not known, but it is becoming apparent that we will need to visit the site often to keep tab on what is going on.

I am in the process of drawing up something for the Judge, but do not yet have a copy of the order. When it is drafted I shall submit it to you and to Mr. Parkhurst for approval.

  
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W. K. Weeber